

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MICHAEL SHIRLEY,)
)
Petitioner,)
)
v.) 1:99cr69-1
) 1:05cv00238
UNITED STATES OF AMERICA)
)
Respondent.)
)

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

On October 20, 2005, Magistrate Judge Russell A. Eliason filed his Recommendation [Doc. # 10 in 1:05cv00238] that Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence [Doc. # 236 in 1:99cr69-1 and Doc. # 1 in 1:05cv00238] be denied and that Judgment be entered dismissing this action. Also on October 20, 2005, the parties were mailed notification of the Recommendation filing. Petitioner Michael Shirley timely filed an Objection to the Recommendation on November 7, 2005 [Doc. # 12 in 1:05cv00238]. Respondent the United States of America did not file a response.

The Court has reviewed de novo the Recommendation of the Magistrate Judge and adopts that Recommendation. Thus, for the reasons set out in the Recommendation, the Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. # 236 in 1:99cr69-1 and Doc. # 1 in 1:05cv00238] is DENIED.

This the 23rd day of October, 2007.

/s/ N. Carlton Tilley, Jr.
United States District Judge